

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of DASHANIQUE ANDREA  
CHILDS, Minor.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

TERRANCE ANDRE CHILDS,

Respondent-Appellant.

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UNPUBLISHED  
September 11, 2008

No. 283537  
Oakland Circuit Court  
Family Division  
LC No. 04-691675-NA

Before: Whitbeck, P.J., and Bandstra and Donofrio, JJ.

MEMORANDUM.

Respondent appeals as of right from the order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i) (authorizing termination when adjudicating conditions continue to exist) and (g) (authorizing termination when parent fails to provide proper care or custody and is unlikely to be able to do so within a reasonable time).<sup>1</sup> Because the trial court did not clearly err when it found that the statutory grounds set forth in MCL 712A.19b(3)(c)(i) and (g) were established by clear and convincing evidence, and did not clearly err when it found that termination of respondent's parental rights was not contrary to the best interests of the minor child, we affirm.

There was clear and convincing evidence to support the trial court's decision with respect to each of the statutory grounds. *In re Trejo*, 462 Mich 341, 355; 612 NW2d 407 (2000). Respondent was incarcerated in March 2004 when the child was removed from her mother's care. By the time of the January 2008 permanent wardship trial, respondent remained incarcerated and unable to provide proper care or custody for the child. A 2007 assault committed by respondent on a prison employee resulted in the imposition of another prison sentence to be served consecutive to his other sentences. Respondent's earliest possible outdate was pushed back by five months. Testimony provided by the foster care caseworker indicated

<sup>1</sup> The parental rights of the child's mother, Tamisha Powell, were terminated in a prior order dated November 15, 2006 and she is not a party to this appeal.

that whenever respondent was released from prison he would need at least nine months to a year to comply with the parent-agency agreement. Given this evidence, the trial court did not clearly err when it found there was no reasonable likelihood or expectation that respondent would be able, within a reasonable time, to rectify the adjudicating conditions or become able to properly care for the child. *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999); MCR 3.977(J). The minor child was eight years old at the time of the permanent wardship trial and had been a temporary ward for approximately half of her life. She could not be asked to wait an additional year and a half at a minimum in the hope respondent would be paroled at his next eligibility date and then achieve compliance with the parent-agency agreement.

The trial court also did not clearly err in its determination regarding the child's best interests. MCL 712A.19b(5); *Trejo, supra* at 353. During her four years as a temporary ward, the minor child witnessed the termination of her mother's rights and the adoption of her three siblings by foster families. She desired permanence and did not share a strong bond with respondent, with whom she had spent a total of 15 days her entire life because of his incarceration. However well-intentioned, respondent was unrealistic in his belief that he would not need much time to build a strong bond with the child.

Affirmed.

/s/ William C. Whitbeck  
/s/ Richard A. Bandstra  
/s/ Pat M. Donofrio